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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,996	04/06/2004	Simon Sun	04105	2995
23688	7590	03/07/2006	EXAMINER	
Bruce E. Harang PO BOX 872735 VANCOUVER, WA 98687-2735			WHITE, RODNEY BARNETT	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/708,996

Applicant(s)

SUN, SIMON

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

Applicant's arguments, see Amendment, filed 02/08/2006, with respect to the rejection(s) of claim(s) 1-16 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the new prior art of record.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, "the passenger foot area" lacks antecedent basis. On line 6, "the space previously occupied by the seat cushion" lacks antecedent basis. On lines 14-15, "the other end of each of said two pair of seat legs moveably mounted to a vehicle floor" reads as if the Applicant intends to claim the "seat assembly" in combination with the "vehicle floor". In the preamble of the claim, Applicant has claimed a "split folding seat assembly for mounting to a vehicle floor". Here, the "vehicle floor" is

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not part of the invention. But when Applicant defines the "seat legs" as "mounted to a vehicle floor", Applicant is claiming the "vehicle floor" as part of his invention. This problem is repeated on line 22 when Applicant defines "a pair of parallel tracks, fixedly mounted to a vehicle floor." Again, the claim reads as if the vehicle floor" I part of the invention. Applicant either needs to change the language to more proper language such as - -for mounting - - or - - to be mounted - - or - - adapted to be mounted - -. All of the aforementioned problems are repeated in claims 5, 9, and 13.

In claims 4, 8, 12, and 16, the phrase "said folding seat assembly is mounting" is unclear and confusing language. Should "mounting" be changed to - - to be mounted - - or - - for mounting - - or - - or adapted to be mounted - -

The aforementioned problems render the claims vague and indefinite.  
Clarification and/or correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4-5, 8-9, 12-13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sturt et al (U.S. Patent No. 6,099,072).

Sturt et al teach a split folding and reclining seat assembly for mounting to a vehicle floor comprising a pair of passenger seats 10 which may be independently folded from a seating position to a cargo position and back with a minimum of effort for use in a vehicle providing a split folding seat assembly in which the seat cushion is moved forward and downward into the passenger foot area and the seat back is moved forward and downward into the space previously occupied by the seat cushion providing a flat load floor over a cargo area and the seat back comprising in cooperative combination: a pair of seat cushion frames, each of said seat cushion frames being moveably mounted by their front edges to a pair of legs 50, and said pair of seat cushion frames rear edges moveably mounted to a corresponding pair of seat back

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frames 12 by a pair of seat folding links and further each said seat cushion frame having a seat cushion mounted thereon; two pair of seat legs 50 having one end of each of said two pair of seat legs moveably mounted to the front edge of each of said seat cushion frames and the other end of each of said two pair of seat legs moveably mounted to a vehicle floor; a pair of seat back frames, each of said seat back frames being moveably mounted on their bottom edges to the rear edge of the corresponding seat cushion frame by a pair of seat folding links, and further attached by their bottom edges by a pair of hinges to a pair of parallel seat tracks 48, and further each of said pair of seat back frames having a head restraint mounting member to which are attached a desired number of head restraints (See Fig. 3) and each of said seat back frames having a seat back cushion mounted thereon, and a pair of parallel tracks fixedly mounted to a vehicle floor for each of said pair of passenger seats having a seat back frame mounted thereto by means of a hinge allowing the seat backs to be independently moved laterally along the pair of parallel tracks during the folding and unfolding of each of said passenger seats, said split folding seat assembly is adapted to be mounted on a vehicle floor having a configuration allowing said split folding seat assembly when in a folded position to provide a cargo surface contiguous with the vehicle cargo floor.

Claims 1, 4-5, 8-9, 12-13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sturt et al (U.S. Patent No. 6,123,380).

Sturt et al teach a split folding and reclining seat assembly for mounting to a vehicle floor comprising a pair of passenger seats 10 which may be independently folded from a seating position to a cargo position and back with a minimum of effort for use in a vehicle providing a split folding seat assembly in which the seat cushion is moved forward and downward into the passenger foot area and the seat back is moved forward and downward into the space previously occupied by the seat cushion providing a flat load floor over a cargo area and the seat back comprising in cooperative combination: a pair of seat cushion frames 12, each of said seat cushion frames being moveably mounted by their front edges to a pair of legs, and said pair of seat cushion frames rear edges moveably mounted to a corresponding pair of seat back frames 13 by a pair of seat folding links and further each said seat cushion frame having a seat cushion mounted thereon; two pair of seat legs 138 having one end of each of said two pair of seat legs moveably mounted to the front edge of each of said seat cushion frames and the other end of each of said two pair of seat legs moveably mounted to a vehicle floor; a pair of seat back frames, each of said seat back frames being moveably mounted on their bottom edges to the rear edge of the corresponding seat cushion frame by a pair of seat folding links, and further attached by their bottom edges by a pair of hinges to a pair of parallel seat tracks 46, and further each of said pair of seat back frames having a head restraint mounting member to which are attached a desired number of head restraints and each of said seat back frames having a seat back cushion mounted thereon, and a pair of parallel tracks fixedly mounted to a vehicle floor for each of said pair of passenger seats having a seat back frame mounted thereto by

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means of a hinge allowing the seat backs to be independently moved laterally along the pair of parallel tracks during the folding and unfolding of each of said passenger seats, said split folding seat assembly is adapted to be mounted on a vehicle floor having a configuration allowing said split folding seat assembly when in a folded position to provide a cargo surface contiguous with the vehicle cargo floor.

Claims 1, 4-5, 8-9, 12-13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Macey (U.S. Patent No. 6,817,670 B2).

Macey teaches a split folding and reclining seat assembly for mounting to a vehicle floor comprising a pair of passenger seats 100 which may be independently folded from a seating position to a cargo position and back with a minimum of effort for use in a vehicle providing a split folding seat assembly in which the seat cushion is moved forward and downward into the passenger foot area and the seat back is moved forward and downward into the space previously occupied by the seat cushion providing a flat load floor over a cargo area and the seat back comprising in cooperative combination: a pair of seat cushion frames 110, each of said seat cushion frames being moveably mounted by their front edges to a pair of legs 114, and said pair of seat cushion frames rear edges moveably mounted to a corresponding pair of seat back frames 120 by a pair of seat folding links and further each said seat cushion frame having a seat cushion mounted thereon; two pair of seat legs 114 having one end of each of said two pair of seat legs moveably mounted to the front edge of each of said seat cushion frames and the other end of each of said two pair of seat legs moveably



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mounted to a vehicle floor; a pair of seat back frames, each of said seat back frames being moveably mounted on their bottom edges to the rear edge of the corresponding seat cushion frame by a pair of seat folding links, and further attached by their bottom edges by a pair of hinges to a pair of parallel seat tracks 130, and further each of said pair of seat back frames having a head restraint mounting member to which are attached a desired number of head restraints 128 and each of said seat back frames having a seat back cushion mounted thereon, and a pair of parallel tracks fixedly mounted to a vehicle floor for each of said pair of passenger seats having a seat back frame mounted thereto by means of a hinge allowing the seat backs to be independently moved laterally along the pair of parallel tracks during the folding and unfolding of each of said passenger seats, said split folding seat assembly is adapted to be mounted on a vehicle floor having a configuration allowing said split folding seat assembly when in a folded position to provide a cargo surface contiguous with the vehicle cargo floor.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of the references above in view of Maruta et al (U.S. Patent No. 6,375,255 B1).

The above references do not teach an additional head restraint support member. However, Maruta et al teaches an extra head restraint member to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the seat assembly, as taught by the above references, to include an additional head restraint support member, as taught Maruta et al, since such an arrangement would provide comfort and safety to a third passenger if needed.

Claims 3, 7, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the above references in view of Skelly et al (U.S. Patent Application Publication No. 2006/0006704 A1).

The above references teach the structure substantially as claimed but does not teach the storage compartment as defined in claims 3, 7, 11, and 15. However, Skelly et al teaches such a storage compartment to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the seat assemblies, as taught by the references above, to include a storage compartment, as taught by Skelly et al, since it would provide a place for storing items when the seat is in use.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richter et al, Takeda et al, Sturt et al, Schaefer et al, Smuk, Waku

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et al, Garrido et al, Macey, Kim, Watanabe et al, Neale, and Oyama teach structure similar to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
March 5, 2006



RODNEY B. WHITE  
PRIMARY EXAMINER